

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4117 of 1996

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RABARI CHAVDA RAMABHAI

RAJABHAI

Versus

STATE OF GUJARAT

Appearance:

MR MD RANA for Petitioner
MR DA BAMBHANIA, AGP for Respondents.

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 08/04/97

ORAL JUDGEMENT

This is a petition filed by a person selected for the post of unarmed police constable. However, he has not been issued order of appointment.

The petitioner claims to be a person belonging to the rabari community which is considered to be a

Scheduled Tribe. A certificate to that effect has been issued by the Mamlatdar, Ranavav on 1st September, 1990. On the strength of the said certificate, the petitioner has sought employment as armed police constable under the respondents. The petitioner was selected and under communication dated 13th February, 1994, he was instructed to report for medical examination. In respect of the certificate produced by the petitioner in support of his claim of being a person belonging to Scheduled Tribe, respondent No. 2 inquired of the Mamlatdar, Ranavav whether such a certificate was issued by his office. The Mamlatdar, under his communication dated 15th May, 1995 informed the District Superintendent of Police that the certificate in question was issued on 1st September, 1990 by his predecessor in office. He, however, also informed that if further verification were required, the Office of the Director of Social Welfare may be contacted. The matter appears to have rested there. For whatever reasons the process of verification has not proceeded further and the petitioner has not been issued appointment order. Feeling aggrieved, the petitioner has preferred this petition.

Facts stated in the petition are not controverted. Petition, therefore, requires to be allowed. It is directed that respondent No. 2 - District Superintendent of Police, Junagadh shall complete the process of verification of the certificate produced by the petitioner within a period of two months from the date of receipt of this order. In the event, the said certificate is found to be genuine and the petitioner is otherwise entitled to appointment, he may be offered appointment as police constable. However, in case the certificate is not found to be genuine, the petitioner may be informed accordingly. Petition is allowed to the aforesaid extent. Rule is made absolute. There shall be no order as to costs.
